UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,562	01/21/2004	Thomas Boyland	018381.0004	3445

7590   11/10/2009

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EXAMINER
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ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
11/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-18 and 20-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-18 and 20-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a final office action in response to communications received on

7/03/2009.

Response to Amendments

2.   The amendment of 7/03/2009 has been received and entered. Claims 4 and 19

have been cancelled by applicant. Claims 1, 5, 16, 20, 31, and 32 have been amended.

Claims 1-3, 5-18, and 20-35 are pending herein.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 16-30 are rejected under 35 U.S.C. 101 based on Supreme Court

precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is

that a § 101 process must (1) be tied to another statutory class (such as a particular

apparatus) or (2) transform underlying subject matter (such as an article or materials) to

a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook,

437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane

v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process

would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory

process, the claim should positively recite the other statutory class (the thing or product)

to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, claims 16-30 do not positively recite another statutory class to which the method steps are tied and therefore are non-statutory.

Examiner provides the following as an approvable tie:

NOTE: Exemplary claim language of an ideal computer system/machine tied to an executable computer-application-based method given as follows:

A computer-implemented method for "---," the computer comprising:

a processor and computer readable medium storage having stored thereon a routine set of instructions which when executed by a computer machine cause the computer machine to perform the steps of: *(list action steps, i.e., calculating, generating)*.

Additionally, it is important to claim the particular apparatus outside of the preamble so that patentable weight can more readily be established.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the
United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States
before the invention by the applicant for patent, except that an international
application filed under the treaty defined in section 351(a) shall have the effects for
purposes of this subsection of an application filed in the United States only if the
international application designated the United States and was published under
Article 21(2) of such treaty in the English language.

6.   Claims 1-3, 5-18 and 20-35 are rejected under 35 U.S.C. 102(e) as being

anticipated by Weber (US 2003/0093346).

7.   Regarding **Claims 1 and 16**:

Weber discloses a system for facilitating the processing and management of

applicants, comprising:

a first client device having an applicant component enabling at least one member

of a first user type from the first client device to submit primary application-related

information, said information including at least applicant identification information ([Para.

0024, "A first exemplary step corresponds to a step of generating a personalized

identification element for a user to the online financial aid system. This personal

identification element is preferably then inputted to the on-line system for gaining

access to selected features and services thereof. Another step in such an exemplary

method corresponds to obtaining requested demographic, financial, and education

related data from a user and then relaying this information to a financial aid processor"];

[Para. 0052, "the subject VFAO system requests information about a student, and so it

may hereafter be referred to as a first information collection application"]);

a management component for receiving and storing said primary application-related information, said management component including a personalization component for creating and personalizing secondary application-related information based on said primary application-related information ([Abstract]; [Para. 0023, "the web-based communications network is utilized for automatically administering a controlled relationship among students, educational institutions, and student financial aid processors and for providing the aforementioned selectable services that relate to financial aid application and administration"]; and

a communications component for providing said secondary application-related information to said at least one first user type member ([Para. 0021, "Various personal and financial information is requested and collected via the information collection service. This information is then preferably used to generate a predicted amount of monetary aid potentially available to a user for a student's education-related expenses"]; [0022, "Yet another exemplary embodiment of the present subject matter relates to a web-based communication network comprising a financial aid estimation service"]); and

for communicating primary application-related information to a pre-determined member of a second user type via a second client device ([Para. 0015, "Automated communication tools are preferably available such that users can contact and relay questions or information among other system users"]; [Para. 0050, "Other exemplary services and features of a virtual financial aid office and system are displayed in FIG. 2. One exemplary such feature is an SFAPC electronic messenger (e-messenger)"]; [Claim 7, "A web-based communications network as in claim 5, wherein said federal aid

service electronically requests and relays institutional student information report (ISIR)

documentation from the United States Department of Education's Central Processing

System to the web-based communications network"]),

wherein said second user type member is pre-determined via said management

component based on said primary application-related information ([Para. 0024,

"Information obtained is then preferably reviewed to determine whether a student is

eligible or ineligible for certain types of financial aid"]; [Para. 0041, "Once all required

information for a student's file is received, the student financial aid processing center

begins an extensive and particular process of reviewing a student's file. Preliminary

review establishes verification of required documents, and quality control assures that

established criteria are met for each reviewed student"]).

8.   Regarding **Claims 2 and 17**:

Weber discloses a system and method wherein said primary application-related

information includes at least one of: online application, transcript, recommendation

document, report card, photograph, video clip, audio clip (Abstract, lines 16-19).

9.   Regarding **Claims 3 and 18**:

Weber discloses a system and method wherein said secondary application-

related information includes an application status or a notification ([Para. 0050, lines 13-

16]; [Claim 10]).

10.   Regarding **Claims 5 and 20**:

Weber discloses a system and method wherein said second user type member is

pre-determined according to an age or education level associated with said first user

type member (Para. 0023, lines 8-11).

11.   Regarding **Claims 6 and 21**:

Weber discloses a system and method wherein said personalization component

includes a forms management component enabling said at least one second user type

member to generate secondary application-related information in the form of at least

one of: a confirmation letter, a reminder letter, a status letter (Claim 53).

12.   Regarding **Claims 7 and 22**:

Weber discloses a system and method wherein said management component

can receive said primary application-related information in a plurality of electronic file

types ([Para. 0057, lines 13-16]; [Claim 31]).

13.   Regarding **Claims 8 and 23**:

Weber discloses a system and method wherein said management component

includes a content management component for receiving, viewing, editing, deleting,

organizing, describing and searching content related to said application ([Abstract];

[Para. 0023, lines 1-6]).

14.   Regarding **Claims 9 and 24**:

Weber discloses a system and method wherein said management component

enables at least one member of a second user type from a second client device to

evaluate said primary application-related information (Para. 0016, lines 1-5).

15.   Regarding **Claims 10 and 25**:

Weber discloses a system and method wherein said applicant, management and

communications components can be customized by said at least one second user type

member (Abstract, lines 19-21).

16.   Regarding **Claims 11 and 26**:

Weber discloses a system and method wherein said management component

enables said at least one second user type member to post notes to said primary

application-related information, said notes being stored by said management

component in connection with said primary application-related information ([Claim 10];

[Para. 0068, lines 14-17]).

17.   Regarding **Claims 12 and 27**:

Weber discloses a system and method wherein said stored notes are

communicated to a wireless device in communication with said management

component (Para. 0042 , lines 8-11).

18. Regarding **Claims 13 and 28**:

Weber discloses a system and method wherein said applicant component further includes a status check component whereby said first user type member can request an application status via said communications component (Para. 0050, lines 13-16).

19. Regarding **Claims 14 and 29**:

Weber discloses a system and method further including an access control component whereby said at least one second user type member can allow access to manage content related to said application to at least one additional second user type member ([Para. 0024, lines 5-10]; [Para. 0044, lines 1-4]).

20. Regarding **Claims 15 and 30**:

Weber discloses a system and method further including an integration component for integrating said applicant, management and communications components with an offline admissions database ([Para. 0066, lines 33-35]; [Para. 0068, lines 3-7]).

21. Regarding **Claim 31**:

Weber discloses an article of manufacture comprising a computer instruction carrier, readable by a computer, tangibly embodying one or more instructions executable by the computer to perform a method for facilitating the processing and

management of applicants ([Para. 65, lines 1-3]; [Abstract Figure

]; [Figure 1]),

the method comprising the steps of:

providing an applicant component enabling at least one member of a first user

type from a first client device to submit primary application-related information, said

information including at least applicant identification information ([Para. 0024, lines 5-

10]; [Para. 0052, lines 12-15]);

providing a management component for receiving and storing said primary

application-related information, said management component including a

personalization component for creating and personalizing secondary application-related

information based on said primary application-related information ([Abstract]; [Para.

0023, lines 1-6]; [Para. 0044, lines 21-24]); and

providing a communications component for providing said secondary application-

related information to said at least one first user type member and for communicating

primary application-related information to a pre-determined member of a second user

type via a second client device ([Para. 0015, lines 3-5]; [Para. 0050]; [Claim 7]);

wherein said second user type member is pre-determined via said management

component based on said primary application-related information ([Para. 0024, lines 14-

6]; [Para. 0041, lines 20-26]).

22.   Regarding **Claim 32**:

Weber discloses a content processing and publication tool, comprising:

a server for storing application-related content and programming for managing said content for use in processing at least one application for admission ([Abstract, lines 1-7]; [Figure 1]);

a first user interface in communication with said server for enabling at least one member of a first user type from a first client device to submit an application for admission ([Para. 0024, lines 5-10]; [Para. 0052, lines 12-15]);

a management component in communication with said server for receiving and storing said application ([Abstract]; [Para. 0023, lines 1-6]; [Para. 0044, lines 21-24]);

for notifying at least one member of a second user type of said stored application, and for populating secondary application-related information with first user type information ([Para. 0050, lines 13-16]; [Claim 10]);

wherein said second user type member is pre-determined via said management component based on said primary application-related information ([Para. 0024, lines 14-6]; [Para. 0041, lines 20-26]);

a second user interface in communication with said server enabling said at least one second user type member from a second client device to receive and view said application for admission ([Abstract]; [Para. 0023, lines 1-6]);

submit notes for appending to and storing with said application for admission ([Claim 10]; [Para. 0068, lines 14-17]); and

for retrieving schedule information pertaining to at least one member of a first user type (Claim 31); and

a communications component for communicating secondary application-related

information to said at least one first user type member ([Claim 10]; [Claim 31]).

23.   Regarding **Claim 33**:

Weber discloses system wherein said communications component

communicates an evaluation status to said at least one first user type member upon

receiving a request from said at least one first user type member via said first user

interface ([Claim 10]; [Claim 31]).

24.   Regarding **Claim 34**:

Weber discloses a system wherein said communications component

communicates an evaluation status to said at least one first user type member upon

receiving said evaluation status from said second user type member via said second

user interface ([Para. 0050, lines 13-16]; [Claim 10]; [Claim 31]).

25.   Regarding **Claim 35**:

Weber discloses a system further including a scheduling component for allowing

said first or said second user type member to schedule an in-person meeting via a

respective one of said user interfaces (Claim 10).

Response to Arguments

26.   Applicant's arguments filed 7/03/2009 have been fully considered but they are

not persuasive.

27.   Regarding the rejection of claims 1-3, 5-18 and 20-35 under 35 U.S.C. §102:

        In regards to applicant's argument concerning a communications component for

providing said secondary application-related information to said at least one first user

type member ([Para. 0021, "Various personal and financial information is requested and

collected via the information collection service. This information is then preferably used

to generate a predicted amount of monetary aid potentially available to a user for a

student's education-related expenses"]; [0022, "Yet another exemplary embodiment of

the present subject matter relates to a web-based communication network comprising a

financial aid estimation service"]). Once the "first user type member" enters his/her

"application-related information" the system generates a predicted award of aid

including and based on applicants submitted information.

        In regards to applicants argument concerning the system wherein said second

user type member is pre-determined based on said primary application-related

information [Para. 0041, "Once all required information for a student's file is received,

the student financial aid processing center begins an extensive and particular process

of reviewing a student's file. Preliminary review establishes verification of required

documents, and quality control assures that established criteria are met for each

reviewed student"]). Additionally, the instance wherein applicant recites: "the said

second user type member is pre-determined" -- is a broad limitation of the claimed

invention, and has been interpreted by the examiner in line with its common meaning as

one of ordinary skill in the art would render; the act of something being "pre-determined"

could simply be a person making a decision in their mind as to which official they'd like

to send their application to, corresponding to their application-type (i.e. a financial aid

officer or the registrar or admissions officer).

Conclusion

28.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

29.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fathi Abdelsalam whose telephone number is (571)

270-3517. The examiner can normally be reached on Monday to Thursday 8:00-

5:00pm ET.

30.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

31.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A./
Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689